



20 February 2012

Joshua Grainger  
Email: [requests@fyi.org.nz](mailto:requests@fyi.org.nz)

Dear Joshua Grainger

**Official Information Request Relating to the use of Section 31(a) of the Official Information Act**

I refer to your information request of 23 January 2012 for *“the number of times the Prime Minister has prevented disclosure of information under s31(a) of the Official Information Act. If statistics on this are readily available, can I please have all available records on this going back to the commencement of the Act broken up by year? If statistics are not readily available can I please have records covering either the last 15 requests, or the last year, whichever is greater?”*

When responding to Official Information Act requests received by this department or assisting with the drafting of responses to Official Information Act requests received by the Prime Minister, each request is considered individually. Records of individual requests, the relevant information considered and responses made to them are retained for some time as well as logs tracking the progress of requests to ensure that statutory deadlines are met.

However, no records are retained of which sections of the Official Information Act may have been relevant for each request. Therefore, there are no statistics or any other records on the use of section 31(a) or any other specific section of the Official Information Act. Accordingly, your request is declined under section 18(e) of the Official Information Act - *“that the document alleged to contain the information requested does not exist ...”*.

To create such a record would involve recalling all individual files of Official Information Act requests and assessing each of the copies of responses to ascertain whether or not section

31(a) of the Act had been applied. To do so would, I believe, involve substantial collation and research and section 18(f) of the Official Information Act "*that the information requested cannot be made available without substantial collation or research*" would apply. In reaching this decision, I have considered the factors contained in section 18A, and do not consider that doing either would allow the request to be answered.

I can advise however, based on the recollection of relevant officials in this department, that to the best of our knowledge information has not been withheld under section 31(a) of the Official Information Act under the current administration.

You are entitled to ask the Ombudsman to review this response under section 28(3) of the Official Information Act.

Yours sincerely

A handwritten signature in blue ink that reads "Maarten Wevers". The signature is written in a cursive style with a vertical line on the left side.

Maarten Wevers  
Chief Executive